

**LAWRENCE C. HERSH**

Attorney at Law  
17 Sylvan Street, Suite 102B  
Rutherford, NJ 07070  
(201) 507-6300

**NEAL G. MASSAND**

*Admitted Pro Hac Vice*  
Ni, Wang & Associates, PLLC  
8140 Walnut Hill Lane, Suite 310  
Dallas, Texas 75231  
(972) 331-4601

*Attorneys for Plaintiff Cuozzo Speed Technologies, LLC*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

|   |   |                                      |
|---|---|--------------------------------------|
| _____   | X |                                      |
|   | : | Civil Action No. 2:12-cv-3623        |
| Cuozzo Speed Technologies, LLC                    | : |                                      |
|   | : |                                      |
| Plaintiff,  | : | <b>MEMORANDUM IN SUPPORT OF</b>      |
| vs.   | : | <b>OPPOSITION TO DEFENDANTS</b>      |
|   | : | <b>CHRYSLER'S MOTION FOR SUMMARY</b> |
| Garmin International, Inc., Garmin USA, Inc., and | : | <b>JUDGMENT OF NON-INFRINGEMENT</b>  |
| Chrysler Group LLC                                | : |                                      |
| Defendants.                                       | : |                                      |
| _____   | X |                                      |

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Pursuant to the December 18, 2013, agreed briefing schedule, Plaintiff Cuozzo Speed Technologies, LLC (“Cuozzo”), submits this Memorandum in support of its Opposition to Defendant Chrysler Group LLC’s (“Chrysler”) Motion for Summary Judgment of Non-Infringement and, in support thereof, respectfully states as follows:

### **I. ARGUMENT AND AUTHORITIES**

Chrysler is not entitled to summary judgment of non-infringement for the same reasons set forth in Plaintiff’s Memorandum in Opposition to Defendants’ Motion for Summary Judgment of Non-Infringement in Civil Action No. 2:12-cv-3626 (the “’626 Case”) which is incorporated by reference as if fully set forth herein. Chrysler’s summary judgment arguments are entirely based upon the arguments made by Defendant Tom Tom, Inc. in the ‘626 Case. For the same reasons that summary judgment is not appropriate in the ‘626 Case, summary judgment is not appropriate in this case.

Additionally, Chrysler incorrectly states that the accused Blue&Me devices are accused in both this action and the ‘626 Case. In a letter dated November 29, 2013, to U.S.M.J. Dickson Plaintiff’s counsel informed requested leave to amend its infringement contentions such that the Blue&Me devices are only accused in this case. ‘626 Case, Doc. No. 103. Furthermore, as explained in the letter, Tom Tom’s non-U.S. sales of Blue&Me devices to FIAT that are subsequently imported into the U.S. in FIAT vehicles constitutes infringing activities of FIAT that would not be accounted for in the ‘626 Case. Accordingly, for the reasons stated above, Chrysler’s Motion should be denied. Plaintiff’s Responsive Statement of Material Fact is attached hereto as Exhibit A.

Respectfully submitted,

By: s/Lawrence C. Hersh  
Lawrence C. Hersh  
17 Sylvan Street, Suite 102B  
Rutherford, New Jersey 07070  
Telephone (201) 507-6300  
Facsimile (201) 507-6311  
lh@hershlegal.com

Neal G. Massand  
*Admitted Pro Hac Vice*  
Ni, Wang & Associates, PLLC  
8140 Walnut Hill Lane, Suite 310  
Dallas, Texas 75231  
(972) 331-4601

*Attorneys for Plaintiff Cuozzo Speed  
Technologies, LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on this 6th day of January, 2014..

s/Lawrence C. Hersh  
Lawrence C. Hersh